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09/816,051	03/23/2001	Tatsuo Chigira	B208-1128	5922

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COWAN LIEBOWITZ & LATMAN P.C  
JOHN J TORRENTE  
1133 AVE OF THE AMERICAS  
1133 AVE OF THE AMERICAS  
NEW YORK, NY 10017

EXAMINER

JACKSON, BLANE J

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/816,051

Applicant(s)

CHIGIRA, TATSUO

Examiner

Blane J Jackson

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Due to applicant's amendment of June 29, 2004, the rejection for claims 1-8 have been restructured using previous prior art Kleinschmidt et al. and Campo.

As to the major amendment to independent claims 1, 4, 5 and 7 of "having a prism mounted on the display portion and formed on reflecting or refracting surfaces thereon", the applicant argues Kleinschmidt "mentions the use of prisms, it fails to teach or suggest an enlargement display means having a prism mounted on the enlargement display portion and formed on reflecting or refracting surfaces thereon". The examiner disagrees in view of Kleinschmidt, figure 3, prism (PR) and associated equipment with the virtual image (I) that is one of three methods presented to enlarge the image as the viewer sees it, column 5, line 58 to column 6, line 10.

The applicant argues the Campo reference does not teach controlling the power to the display by grasping of the body of the Campo device by hand. However, Campo teaches that manually pivoting the viewing arm controls the power to the display (column 10, lines 5-17) where manually pivoting is understood to be a body grasped by the hand.

The applicant also argues that there is nothing in Kleinschmidt to indicate that the eye tracker is used to direct operation of the heads up display; however, Kleinschmidt states a small camera integrated in the image display device to detect the viewing direction of the viewer to provide its data to the I/O-2 (display control) device, figure 6,

column 8, lines 8-33. Alternative forms of control input include a voice input/ output (SE) circuit and a typical keypad (TB).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campo (U.S. Patent 6,073,033) with a view to Kleinschmidt et al. (U.S. Patent 6,085,112).

As to claims 1 and 3, Campo teaches a mobile type electronic apparatus comprising:

A communication means capable of transmitting and receiving image data (figures 1-4 and 9, column 11, lines 42-67),

A display portion arranged to display image data,

Enlargement display means to optically enlarge an image on the display element and to display the enlarged image as a virtual image (figure 9, column 5, lines 39-66),

A display circuit arranged to cause the display element to display image data (figure 11, display controller (146) and Heads-Up Display (54)),

Operation means for controlling the display circuit (configurable switches for control of the display or control of the telephone when the heads up display is closed, column 10, lines 18-67),

Control means for controlling a power supply for the display circuit in accordance with an operation on the operation means (battery power, column 7, line 58 to column 8, line 9, to source the display controlled through pivoting the head up display arm away from the telephone body or by switch on the keyboard or by voice command, column 9, lines 7-29).

Campo does not teach an enlargement display means having a prism mounted on the display portion and formed on reflecting or refracting surfaces thereon.

Kleinschmidt teaches a communication device where one of three embodiments of an image display device includes a prism such that the view of the viewer is deflected and directed through a lens in order to enlarge the image to be viewed and the deflection means may be semi-translucent so that the viewer can view the image shown by the image output device and the surroundings, an enlarged virtual image (figure 3, column 1, lines 49-51, column 2, lines 35-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the image system of Campo the semi-translucent prism system of Kleinschmidt such that the viewer gains an enlarged view of the display with a simultaneous view of the surroundings.

As to claim 2, Campo teaches the elements as recited in claim 1 and also an operation information display element arranged to display information necessary for performing a communication operation (figures 1, 2 and 11, Handset Display (34) for telephone and related communication functions, column 11, lines 13-24).

As to claim 4, Camp teaches the claim elements as recited in claim 1 and also detecting means for detecting that a body of the electronic apparatus has been grasped by hand and control means for turning on a power supply for a part of or the whole of the display circuit when the detecting means has detected that the body of the electronic apparatus has been grasped by hand (figure 11, Display Arm Pivot Sensor (156), detects the heads up arm and display has been manually pivoted, a body grasped and rotated by the hand, controls power to the display image, column 10, lines 5-17).

As to claim 5, Campo teaches the claim elements as recited in claim 1 and also discriminating means for discriminating a communicating state of the communication means and control means for controlling a power supply for the display circuit in accordance with an output of the discriminating means (figure 11, Display Arm Pivot Sensor (156), detects the heads up arm and display has been manually pivoted away from the telephone body for use and powers on the Heads-up Display, column 10, lines 5-17).

As to claim 6, Campo teaches movement of the Heads-up Display arm out of and into a neutral position, or alternatively a key press, may be used to power up and power down the Heads-up display for convenience and battery conservation purposes (column 3, lines 1-20) but does not teach the control circuit turns on the power supply for the display circuit when the discriminating means has detected a state of communicating image data or information to be displayed and turns off the power supply for a part of or whole of the display circuit when the discriminating means has detected a state of communicating an audio signal only. However since Camp teaches the voice and non-voice data is processed by a processor as determined by internal programming of the processor where the processed data may be displayed on the heads-up display or regular display for viewing by the user (column 11, lines 42-67) it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Campo to additionally control the on/ off state of the heads-up display in accordance with received or available image data for battery conservation purposes.

4. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinschmidt et al. (U.S. Patent 6,085,112).

As to claims 7 and 8, Kleinschmidt teaches a mobile type electronic apparatus comprising:

a communication means capable of transmitting and receiving image data (figure 1 and 3, column 3, line 66 to column 4, line 47),

a display portion arranged to display image data,

enlargement display means *having a prism mounted on the display portion and formed on reflecting or refracting surfaces thereon* to optically enlarge an image on the display element and to display the enlarged image as a virtual image (figure 3, semi-translucent prism (PR), image (I) is enlarged as the viewer sees it, column 5, line 40 to column 6, line 10),

a display circuit arranged to cause the display element to display image data (figure 5, BAV, column 5, lines 47-57),

detecting means for detecting that the enlargement display means has been peeped at (figure 6, an eye tracker is integrated in the image device to track the position of the pupil of the eye, column 6, lines 10-19).

Kleinschmidt is silent as to control means for controlling a power supply for the display circuit in accordance with an output of the detecting means. However, since Kleinschmidt teaches an eye tracker circuit separate from the display that tracks the position of the pupil of the eye essentially to direct operation of the heads-up display (figure 6, column 8, lines 8-33, data input to the I/O control similar like the voice input/output and keypad), it would have been obvious to one of ordinary skill in the art at the time of the invention to further use the eye track of Kleinschmidt to additionally switch power to the display as opposed to usual pushbutton methods.

### **Conclusion**

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

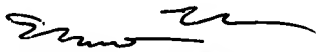
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J Jackson whose telephone number is (703) 305-5291. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2685

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600